

TITLE 2

OFFICE OF THE MANAGING DIRECTOR

SUBTITLE 2 NEIGHBORHOOD COMMISSION

CHAPTER 11

RULES AND PROCEDURES OF THE NEIGHBORHOOD COMMISSION

Subchapter 1 General Provisions

- \$2-11-1 Short title.
- \$2-11-2 Definitions.
- \$2-11-3 To obtain information.
- \$2-11-4 Petition for adoption, amendment, or repeal of rules.
- \$2-11-5 Declaratory rulings by the commission.
- \$2-11-6 Severability.
- \$2-11-7 Computation of time.
- \$2-11-8 Executive secretary.
- \$2-11-9 Inquiries to the corporation counsel.
- \$2-11-10 Reimbursable expenses.

Subchapter 2 Powers, Duties, and Functions

- \$2-11-11 General powers, duties, and functions of the commission.
- \$2-11-12 Political activity.
- \$2-11-13 Conference of chairs

Subchapter 3 Rules of the Commission

- \$2-11-14 Attendance of commissioners.
- \$2-11-15 Absences and removal recommendation process; resignation.
- \$2-11-16 Meetings.
- \$2-11-17 Executive meetings.

§2-11-1

§2-11-18 Meeting notice and agenda.
§2-11-19 Priority of business.
§2-11-20 Meeting minutes.
§2-11-21 Quorum and majority vote.
§2-11-22 Voting.
§2-11-23 Disclosure.
§2-11-24 Order and decorum.
§2-11-25 Adjournment.
§2-11-26 Officers.
§2-11-27 Removal of an officer.
§2-11-28 Officer vacancy.
§2-11-29 Duties of officers.
§2-11-30 Committees.
§2-11-31 Establishment of delegate position.
§2-11-32 Parliamentary authority.
§2-11-33 Suspension of parliamentary procedure provisions.

Subchapter 4 Review of Actions and Activities

§2-11-34 Request for review.
§2-11-35 Review process of the commission.

SUBCHAPTER 1

GENERAL PROVISIONS

§2-11-1 Short title. This chapter shall be known and may be cited as the "Rules and Procedures of the Neighborhood Commission". [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-2 Definitions. As used in this subtitle, unless the context otherwise requires:

§2-11-2

"Board" means a duly formed, qualified, and authorized neighborhood board established in accordance with this plan.

"Board member" means a member of a board duly qualified, elected or appointed and affirmed in accordance with the plan.

"Charter" means the Revised Charter of the City and County of Honolulu 1973, as amended.

"City" means the City and County of Honolulu.

"City clerk" means the clerk of the city.

"City council" means the legislative body of the city.

"Commission" means the neighborhood commission of the city established pursuant to section 14-102, RCH.

"Commission office" means the administrative agency for the commission under the direction of the executive secretary.

"Commissioner" means a member of the commission duly qualified and appointed in accordance with section 14-102, RCH.

"Delegate" means any individual duly appointed to a delegate position established by the commission pursuant to section 2-11-31 or by a board pursuant to section 2-14-23.

"Executive secretary" means the executive secretary to the commission duly appointed in accordance with section 14-105, RCH.

"Individual" means a natural person.

"Mailing list" means a compilation of names and addresses of those persons that have requested to receive meeting notices of the commission or specific boards.

"Mayor" means the mayor of the city.

"Meeting" means the duly noticed convening of the commission or board at which a quorum is present and able to make a decision or to deliberate toward a decision upon a matter over which the commission or board has authority or advisory power.

"Neighborhood board system" includes the commission, executive secretary, commission office and staff, and boards.

§2-11-2

"Person" includes any individual, partnership, firm, association, business, corporation, trust, estate, or other entity.

"Plan" means the neighborhood plan as defined by section 14-104, RCH, and as otherwise described in article XIV, RCH. The plan is set forth in chapters 12 - 20 of this subtitle.

"Quorum" means a majority of the total authorized number of members to which the commission, board, or any committee of the commission or board is entitled.

"Residence" means that place where an individual's habitation is fixed, wherein the individual intends to remain, and to where, whenever absent, the individual intends to return.

"Resident" means an individual who physically and legally dwells in a fixed place.

"Subdistrict" means a geographical subunit within the neighborhood district. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-3 To obtain information. (a) The public may obtain information as to the matters pertaining to the commission and boards by inquiring during regular business hours at the commission office.

(b) Inquiries may be made in person or by telephone during regular business hours, or by submitting a request for information in writing to the commission office by letter, fax, or e-mail.

(c) The rules and procedures of the commission, the plan, and all commission and board agendas, minutes of meetings, and other public documents are on file and available for public inspection at the commission office, or are otherwise retrievable with assistance from the commission office.

(d) Copies of the agendas, minutes of meetings, and other public documents of the commission and each board are available to the public at a price fixed by law.

(e) Any person that requests to receive notice of the meetings of the commission or a specific board

shall be placed on an appropriate mailing list to be maintained by the commission office. The commission office and boards may periodically update the mailing list by inquiring whether those persons on the mailing list wish to continue to receive notices, and may remove from the mailing list any person that does not respond to the inquiry. [Eff _____] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-4 Petition for adoption, amendment, or repeal of rules. (a) Any interested person may petition the commission in writing to request the adoption, amendment or repeal of any rule under this subtitle.

(b) The petition shall be filed with the commission through the commission office. It shall include:

- (1) The name, address, and telephone number of the petitioner.
- (2) A statement of the nature of the petitioner's interest.
- (3) A draft or the substance of the proposed rule or amendment or a designation of the provision sought to be repealed.
- (4) An explicit statement of the reasons in support of the proposed rule, amendment or repeal.

(c) The commission shall within thirty days after the filing of the petition either deny the petition in writing, stating its reasons for the denial, or initiate proceedings in accordance with chapter 91, HRS, for the adoption, amendment or repeal §2-11-4 of the rule, as the case may be. [Eff. _____]

(Auth: HRS §91-6; RCH §§4-105(4), 14-102)
(Imp: HRS §91-6; RCH §§4-105(4), 14-102)

§2-11-5 Declaratory rulings by the commission. (a) Any interested person may petition the commission in writing for a declaratory order as to the applicability

of any statute or ordinance relating to the commission, or of any rule or order of the commission.

(b) The petition shall be submitted in duplicate to the commission through the commission office. It shall contain:

- (1) The name, address and telephone number of the petitioner.
- (2) A statement of the nature of petitioner's interest, including reasons for the submission of the petition.
- (3) A designation of the specific provision, rules or order in question.
- (4) A complete statement of facts.
- (5) A statement of the position or contention of the petitioner.
- (6) A memorandum of authorities, containing a full discussion of the reasons, including any legal authority, in support of the position or contention.

(c) The commission may reject any petition which does not conform to the foregoing requirements.

(d) The commission may for good cause refuse to issue a declaratory ruling. Without limiting the generality of the foregoing, the commission may so refuse where:

- (1) The question is speculative or purely hypothetical and does not involve fact, or facts which can reasonably be expected to exist in the near future.
- (2) The petitioner's interest is not of the type which would give the petitioner standing to maintain an action if the petitioner were to seek judicial relief.
- (3) The issuance of the declaratory ruling may adversely affect the interests of the city, the commission, the boards, or any of their commissioners, members, officers or employees in any litigation which is pending or may reasonably be expected to arise.
- (4) The matter is not within the jurisdiction of the commission.

(e) Where any question of law is involved, the commission may refer the matter to the corporation counsel. The commission may also obtain the assistance of other agencies, where necessary or desirable.

(f) Upon the disposition of the petition, the petitioner shall be promptly informed thereof by the commission through the commission office.

(g) Orders disposing of petitions shall have the same status as other commission orders. Orders shall be applicable only to the fact situation alleged in the petition or set forth in the order. They shall not be applicable to different fact situations or where additional facts not considered in the order exist. [Eff. _____] (Auth: HRS §91-8; RCH §§4-105(4), 14-102) (Imp: HRS §91-8; RCH §§4-105(4), 14-102)

§2-11-6 Severability. If any section or provision or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid section or provision or application, and to this end the provisions of this chapter are severable. [Eff. _____] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-7 Computation of time. (a) Unless otherwise provided by statute or rule, in computing any period of time prescribed or allowed by this chapter or by the plan, the first day of the designated period of time shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday in the State, in which event the period runs until the next day which is neither a Saturday, a Sunday, nor a holiday. A half-day holiday shall not be considered a holiday for the purpose of these computations.

§2-11-7

(b) For filings with the commission office, if weather catastrophe or other unforeseen conditions or circumstances make the commission office inaccessible or inoperative on the last day of the period computed as set forth in subsection (a), the period runs until the next day which is neither a Saturday, Sunday, nor a holiday, and on which the commission office is accessible. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-8 Executive secretary. The executive secretary reports to the managing director, and serves as administrator of the commission and the commission office. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102, 14-105)

§2-11-9 Inquiries to the corporation counsel. All legal inquiries by the commission and the commissioners that are directed to the department of the corporation counsel shall be submitted in writing through the executive secretary, unless otherwise directed by the corporation counsel. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-10 Reimbursable expenses. The commissioners shall be entitled to reimbursement of authorized expenses incurred by them in the performance of their official duties as approved by the executive secretary and as provided by law. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

SUBCHAPTER 2

POWERS, DUTIES, AND FUNCTIONS

§2-11-11 General powers, duties, and functions of the commission. The commission shall be responsible for establishing policy and providing oversight evaluation for the neighborhood board system. The commission shall not be responsible for nor control the administrative affairs or day-to-day operations of the commission office. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-12 Political activity. (a) The commission and its commissioners shall not use the official commission title or membership position to:

- (1) Endorse a candidate for elective public office; or
- (2) Engage in any political activity which could reasonably be implied to endorse or support a candidate for elective public office.

(b) The commission may conduct candidate forums.

(c) This section shall not preclude the right of any commissioner, while not engaged in the performance of the commissioner's official duties, (1) to engage in these political activities as a private citizen, or (2) to list the commissioner's position as part of the commissioner's experience if the commissioner is a candidate for elective public office. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-13 Conference of chairs. (a) The commission may annually assemble a conference of chairs, to include the chair and one vice chair, or their designees, of each board. Not more than two representatives of each board shall attend any conference.

§2-11-13

(b) The purpose of the conference includes: (1) evaluation of the administration and operations of the neighborhood board system; (2) evaluation of the plan; and (3) promotion of communication, cooperation, and collaboration among the commission office and the boards.

(c) The commission may assemble the conference at any time or location. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

SUBCHAPTER 3

RULES OF THE COMMISSION

§2-11-14 Attendance of commissioners. (a) Commissioners shall attend all meetings of the commission. If a commissioner cannot attend a meeting, the commissioner should promptly notify the commission chair or the executive secretary before the meeting.

(b) The absence of any commissioner shall be noted as such and not as excused or unexcused.

(c) The commission shall keep a record of attendance of all commissioners. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-15 Absences and removal recommendation process; resignation. (a) If a commissioner is absent for more than three meetings within a one year period, beginning July 1 and ending June 30, the commission shall notify the commissioner of the absences in writing, sent by both United States registered or certified mail with return receipt requested and first class mail, at the commissioner's last known address.

(b) The notice shall:

- (1) Inform the commissioner of the accumulated three absences; and
- (2) Inform the commissioner that at its next regular meeting the commission will consider whether to recommend to the appointing authority the removal and replacement of the commissioner based on the absences.
- (c) A commissioner who has accumulated three absences and received written notice from the commission shall have the opportunity to appear before the commission at its next regular meeting to explain the circumstances of the absences and request to be retained on the commission. After hearing the matter, the commission may recommend to the appointing authority the removal and replacement of the commissioner.
- (d) If the commissioner remains and accumulates an additional three absences within the one year period beginning July 1 and ending June 30, the commission shall again consider recommending removal of the commissioner pursuant to subsections (a), (b), and (c).
- (e) A commissioner may resign from the seat held at any time and for any reason in writing to the commission chair, executive secretary, and the appointing authority. [Eff _____] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

S2-11-16 Meetings. (a) The commission shall hold a regular meeting on a pre-established day of the month in not less than six of the twelve months within a one year period, beginning July 1 and ending June 30, provided that at no time shall more than two consecutive months elapse between regular meetings.

(b) The commission shall hold an annual meeting in July to elect officers, present an annual review of the neighborhood board system, and consider any other commission business.

(c) A special meeting may be called at any time by the commission chair or by the commission.

§2-11-16

(d) All commission meetings shall be open public meetings held within the city except for executive meetings as provided in section 2-11-17.

(e) All or any part of a meeting, except an executive meeting, may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction; provided the recording does not interfere with the conduct of the meeting. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-17 Executive meetings. The commission may hold executive meetings closed to the public in accordance with section 92-4, HRS. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-18 Meeting notice and agenda. (a) The commission shall give written public notice of any and all regular, special, or anticipated executive meetings. The notice shall state the day, date, time, and place of the meeting, and include an agenda which lists all of the items to be considered. In the case of an anticipated executive meeting, the purpose shall be stated on the agenda.

(b) The meeting notice and agenda shall be prepared by the commission chair or presiding officer and shall be filed with the office of the city clerk and the commission office for public inspection at least six calendar days before the meeting. The notice and agenda shall also be posted at the site of the meeting whenever feasible.

(c) Each commissioner shall be sent a meeting notice and agenda. Commissioners may also request receipt of meeting notices and agendas by fax, e-mail, or other reasonable means. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-19 Priority of business. (a) The commission may designate any matter properly placed on the agenda to be a special item of business, which may take precedence over other business.

(b) All questions relating to the priority of business to be acted upon by the commission shall be decided without debate. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-20 Meeting minutes. (a) The commission shall keep written minutes of all meetings. Unless otherwise required by law, neither a full transcript nor a recording of the meeting is required, but the written minutes shall give a true reflection of the matters discussed at the meeting and the views expressed by the commissioners and participants. The minutes shall include, but need not be limited to:

- (1) The day, date, time, and place of the meeting;
- (2) The commissioners recorded as either present or absent;
- (3) The time of arrival or departure of any commissioner when the arrival or departure affects quorum;
- (4) The substance of all matters proposed, discussed, or decided; and a record, by individual commissioner, of any vote taken and any recusal (and related disclosure) made; and
- (5) Any other information that any commissioner, during the applicable meeting, requests be included or reflected in the meeting minutes.

(b) The minutes shall be publicly available within thirty calendar days after the meeting, except where disclosure would be inconsistent with chapter 92F, HRS; provided that minutes of executive meetings may be withheld so long as their publication would defeat the lawful purpose of the executive meeting, but for no longer.

§2-11-20

(c) If quorum is not attained to convene a meeting, the commission shall prepare a memorandum for the record of the absence of quorum and the status of the noticed meeting.

(d) The commission may approve or amend the minutes at a subsequent meeting of the commission.

[Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-21 Quorum and majority vote. (a) The presence of a majority of all the commissioners to which the commission is entitled shall constitute a quorum to do business.

(b) The vote of not less than the majority of the entire membership to which the commission is entitled shall be necessary to take any official action, unless otherwise provided by law.

(c) A commissioner who is present at the meeting shall be counted for the purpose of determining quorum.

(d) If a quorum is lost by any commissioner leaving the meeting, the meeting shall be suspended and no business shall be conducted. The meeting shall not resume until a quorum is re-established. If the meeting cannot be resumed within a reasonable period of time, it shall be adjourned.

(e) If no quorum is present for a scheduled meeting or quorum is lost and the meeting is adjourned, the presiding officer may remain and listen to persons and allow the presentation of reports from government agencies, elected officials, or engaged presenters, provided that no other commissioners are present and that the presiding officer first reads aloud a statement advising those persons present that:

- (1) Due to lack of quorum, no meeting is being held by the commission and no minutes are being taken;

- (2) Presentations are not being received on behalf of the commission and shall not be in the commission's record;
- (3) Any communication to the presiding officer shall not be considered public testimony and shall not be in the commission's record; and
- (4) Any communication by the presiding officer is not made on behalf of the commission and shall not be on the commission's record.
[Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-22 Voting. (a) Each commissioner shall vote on all actions before the commission except when the commissioner is recused or otherwise unable to vote. To participate in a vote on any matter, a commissioner shall be personally present at the meeting when the vote is taken. No proxy shall be allowed.

(b) A commissioner may choose to be recused and not participate in the discussion and vote on any matter, provided the reason is disclosed and announced to the commission.

(c) Four voting methods shall be allowed to ascertain the decision of the commission upon any matter: roll call; by show of hands; by voice vote; and by unanimous consent. The commissioners shall vote in the affirmative, negative, or may abstain.
[Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-23 Disclosure. (a) Any commissioner who knows he or she has a personal or private interest, direct or indirect, in any proposal before the commission shall disclose the interest either orally or in writing to the commission. The disclosure shall also be made a matter of public record before the commission takes any action on the proposal.

(b) A commissioner who makes any disclosure shall not be disqualified from participation in the

§2-11-23

discussion or vote on the matter. A commissioner may choose to be recused. A recused commissioner shall not participate in the discussion or vote. The §2-11-23 recusal shall be recorded in the meeting minutes. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-24 Order and decorum. (a) All commissioners shall promote and preserve the order and decorum of the commission's proceedings.

(b) The presiding officer of the commission or the commission may expel any individual whose conduct at the commission meeting is disruptive, disorderly, contemptuous, or improper for the conduct of business at the commission meeting. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-25 Adjournment. A meeting is adjourned when:

- (1) A motion to adjourn is adopted;
- (2) There is no further business on the agenda;
- (3) The presiding officer adjourns the meeting due to exigent circumstances that require immediate attention; or
- (4) Quorum is lost pursuant to section 2-11-21(d). [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-26 Officers. (a) The officers of the commission shall consist of the chair, one or more vice chairs, and any other officer the commission determines it needs to conduct its business.

(b) All officers shall be elected annually by and from the membership of the commission. The term of an officer shall be for one year, beginning in July and ending the following June, or until the election of a successor. Each officer shall be elected at a meeting.

(c) An officer shall continue to be a commissioner for the duration of the term. [Eff
] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-27 Removal of an officer. An officer may be removed from office by the commission, with or without cause, at a meeting of the commission. [Eff
] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-28 Officer vacancy. (a) If the office of chair becomes vacant before the expiration of the term of office, the vice chair shall serve as the temporary presiding officer until a successor is elected to serve the remainder of the term.

(b) If a vacancy in any officer position occurs, the commissioners shall promptly elect a successor to serve the remainder of the term at a regular meeting of the commission. [Eff
] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§ 4-105(4), 14-102)

§2-11-29 Duties of officers. (a) The chair shall be the presiding officer of the commission. In the absence or disability of the chair, the vice chair shall act as the presiding officer. If the chair and vice chair(s) are absent or otherwise disabled, the commissioner present with the longest continuous membership with the commission shall convene the meeting and the commission shall elect a chair pro tem to serve temporarily as the presiding officer.

(b) It shall be the duty of the chair to:

- (1) Serve as the spokesperson and representative of the commission;
- (2) Prepare the agenda;

- (3) Review or cause to be reviewed, the draft meeting minutes before distribution to the commissioners and availability to the public;
- (4) Open all meetings of the commission at or after the appointed time once quorum is present by taking the chair and calling the commission to order;
- (5) Call for the approval of the minutes as appropriate;
- (6) Maintain order and decorum, with the assistance of all commissioners;
- (7) Make known any standing or special rule of order when necessary or so requested;
- (8) Make known any rule governing the neighborhood board system when necessary or requested;
- (9) Announce the business before the commission;
- (10) Receive and submit all appropriate matters properly brought before the commission, to call for votes upon the same, and to announce the results;
- (11) Receive and promptly present or report all communications to the commission;
- (12) Appoint and remove committee chairs and members, unless otherwise directed by the commission;
- (13) Appoint and remove commission delegates, unless otherwise directed by the commission;
- (14) Refer matters to committees as appropriate;
- (15) Authenticate all acts of the commission as may be required;
- (16) Maintain records of the commission's proceedings with the assistance of the commission office; and
- (17) Perform any other duties as may be assigned by the commission, as may properly appertain to the office, or as may be required by law.

- (c) It shall be the duty of the vice chair(s) to:
- (1) Assist the chair with conducting meetings and the administration of the commission's activities;
 - (2) Serve as the presiding officer and perform all duties and exercise all powers of the chair in the absence or disability of the chair;
 - (3) Prepare accurate minutes of commission meetings;
 - (4) Assist the chair with the maintenance of records of the commission's proceedings; and
 - (5) Perform other duties as may be assigned by the commission.
- (d) The duties of any other officer shall be as directed by the commission. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-30 Committees. (a) The commission may establish committees. Except as otherwise provided, committee membership shall be limited to commissioners of the commission.

(b) Committees shall prepare meeting notices, agendas, and minutes, and shall hold meetings at places reasonably accessible to the public. Committee meeting notices and agendas shall be distributed to the commissioners and persons on the mailing list.

(c) The manner of committee conduct and decision making, whether by consensus, voting, or some other means, may be established by the commission or the specific committee.

(d) Committees shall report to the commission at commission meetings the committee's activities, findings, recommendations, and the means by which any recommendation was determined.

(e) No committee may speak for the commission unless specifically authorized by the commission.

(f) The presiding officer of the committee or the committee may expel any individual who engages in

§2-11-30

disruptive, disorderly, contemptuous, or improper conduct at any committee meeting. [Eff]
(Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-31 Establishment of delegate position. (a)

The commission may establish delegate positions from among its membership to represent the commission as necessary and appropriate to perform its duties.

(b) The commission shall define the scope of representation granted and duties assigned to the delegate. Delegate responsibilities may include information gathering, attendance at meetings relevant to commission business, evaluation of matters presented to the commission and initiation of proposals to the commission.

(c) No delegate shall exceed the scope of representation granted by the commission.

(d) Delegates shall report to the commission at commission meetings the delegates' activities, findings, proposals, and the means by which any proposal was determined. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-32 Parliamentary authority. The rules of parliamentary procedure as set forth in Robert's Rules of Order Newly Revised, 10th Edition, shall guide the commission when the Hawaii Revised Statutes, the charter, the Revised Ordinances of Honolulu, and this chapter are silent. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-33 Suspension of parliamentary procedure provisions. In exigent circumstances, the commission may suspend any parliamentary procedure provision under this chapter or the plan not specifically required by law. The motion to suspend any rule shall

require a two-thirds vote of the entire membership to which the commission is entitled for its adoption and is not amendable or debatable. [Eff]
(Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

SUBCHAPTER 4

REVIEW OF ACTIONS AND ACTIVITIES

§2-11-34 Request for review. (a) Any person may seek the review of:

- (1) Any commission action or activity; or
- (2) The official action or activity of any current commissioner;

by written request to the commission within forty-five calendar days after the action or activity.

(b) The commission chair or any duly authorized representative of the commission may, where practicable, seek to resolve with the requester any issue set forth in the request.

(c) If the commission chair or the authorized representative of the commission:

- (1) Does not seek to resolve the issues in the request; or
- (2) Is unable to obtain a voluntary resolution of the issues under review;

the request, and any recommendation for resolving the issues set forth in the request, if any, shall be presented to the commission at a regular meeting.

(d) The commission may authorize the executive secretary to perform the actions set forth in subsections (b) and (c). [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-35 Review process of the commission. (a) The commission shall initiate a review of any request presented pursuant to section 2-11-34. The commission

may seek any additional relevant information in furtherance of its review.

(b) The commission shall resolve the matter in the best interests of fairness and adherence to law.

(c) If the commission finds that the actions or activities of the commission were inappropriate, the commission may determine appropriate actions for resolving the matter.

(d) If the commission finds that the actions or activities of a commissioner were inappropriate, the commission may provide written notice to the commissioner or the appropriate appointing authority or both. The notice shall set forth:

- (1) The actions or activities reviewed by the commission;
- (2) The commission's conclusions on the review; and
- (3) The appropriate actions recommended by the commission for resolving the matter. [Eff] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)